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HOUSE BILL 598

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Joseph Cervantes

AN ACT

RELATING TO INSPECTION OF PUBLIC RECORDS; ALLOWING ELECTRONIC
REQUESTS PURSUANT TO THE INSPECTION OF PUBLIC RECORDS ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 14-2-8 NMSA 1978 (being Laws 1993,
Chapter 258, Section 5) is amended to read:

"14-2-8. PROCEDURE FOR REQUESTING RECORDS.--

A. Any person wishing to inspect public records may
submit an oral or written request to the custodian. However,
the procedures set forth in this section shall be in response
to a written request. The failure to respond to an oral
request shall not subject the custodian to any penalty.

B. Nothing in the Inspection of Public Records Act
shall be construed to require a public body to create a public
record.

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underscoring material = new
~~[bracketed material] = delete~~

1 C. A written request shall provide the name,
2 address and telephone number of the person seeking access to
3 the records and shall identify the records sought with
4 reasonable particularity. No person requesting records shall
5 be required to state the reason for inspecting the records.

6 D. A custodian receiving a written request shall
7 permit the inspection immediately or as soon as is practicable
8 under the circumstances, but not later than fifteen days after
9 receiving a written request. If the inspection is not
10 permitted within three business days, the custodian shall
11 explain in writing when the records will be available for
12 inspection or when the public body will respond to the request.
13 The three-day period shall not begin until the written request
14 is delivered to the office of the custodian.

15 E. In the event that a written request is not made
16 to the custodian having possession of or responsibility for the
17 public records requested, the person receiving the request
18 shall promptly forward the request to the custodian of the
19 requested public records, if known, and notify the requester.
20 The notification to the requester shall state the reason for
21 the absence of the records from that person's custody or
22 control, the records' location and the name and address of the
23 custodian.

24 F. For the purposes of this section, "written
25 request" includes an electronic communication, including email

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or facsimile; provided that the request complies with the requirements of Subsection C of this section."